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Attorney for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:
KIM IVAN MILLER
SHERYL M MILLER

Debtors.

Bankruptcy No. 19-28199

Chapter 13

Filed Electronically

JTM

**DEBTORS' OBJECTION TO PROOF OF CLAIM 9 FILED BY WILMINGTON
SAVINGS FUND SOCIETY, FSB, D/B/A/ CHRISTIANA AS OWNER TRUSTEE**

Debtors, by and through undersigned counsel, moves this Court for an Order Sustaining Objection to Proof of Claim # 9 filed by Wilmington Savings Fund Society, FSB, d/b/a/, Christiana As Owner Trustee ("Wilmington"), and for an Order Disallowing Said Claim and would show the Court the following:

1. Debtors object to this claim because it contains unnecessary and/or unsupported charges.
2. In the present case, Wilmington filed its Proof of Claim, claiming \$28,005.29 in mortgage arrears. Attached to the Proof of Claim is a Mortgage Proof of Claim Attachment, which includes "8,027.65" in prepetition fees due.

3. The case was filed on November 5, 2019.
4. Among those prepetition fees are the following entries:
 - a. 4-24-18 for \$350 as Admin,
 - b. 4-24-18 for \$2,131.00 for BK AF,
 - c. 4-24-18 for \$128.23 for Insurance,
 - d. 7-3-18 for \$227 for Frclsr AF,
 - e. 10-15-2018 for \$32.52 for Flsr AF,
 - f. 10-16-18 for \$866.14 for Insurance,
 - g. 12-3-2018 for \$65.66 for Insurance,
 - h. 1-8-19 for \$190.06 for Insurance,
 - i. 2-7-19 for \$550 for Bk Af
 - j. 2-21-19 for \$997.54 for Fcsr Af
 - k. 3-19-19 for \$500 for Fclsr Af
 - l. 3-29-19 for \$831 for Fclsr AF
 - m. 11-1-19 for \$113 for Dmd/Recon
5. Those additional fees total \$6,982.15.
6. These additional fees are unsupported by any documentation showing what work was performed to generate the attorney's fees (AF) or what insurance payment was made.
7. Additionally, upon information and belief, the attorney's fees for foreclosure between February and March of 2019 seem to relate to an mistaken foreclosure performed by Wilmington, post-petition, that was subsequently rolled back.

8. These fees are unsupported and appear unnecessary and should be disallowed as a portion of the total \$28,005.29 claimed in mortgage arrears.

Wherefore, Debtors moves that this Court disallow \$6,982.15 of Wilmington's proof of claim.

Dated this 22nd day of September, 2020.

/s/ Robert S. Payne

Attorney for Debtors

Certificate of Service

I certify that this Objection was served upon the following via ECF or US Mail:

Chapter 13 Trustee (ECF)

Wilmington Savings Fund Society, FSB, d/b/a/ Christiana As Owner Trustee via ecf through
counsel K. Bradley Carr

/s/ Robert S. Payne